

State Appellate Public Defender

Analyst: Burns

Historical Summary

OPERATING BUDGET	FY 2004 Total App	FY 2004 Actual	FY 2005 Approp	FY 2006 Request	FY 2006 Gov Rec
BY FUND CATEGORY					
General	1,228,800	1,196,100	1,262,900	2,673,000	2,665,000
Percent Change:		(2.7%)	5.6%	111.7%	111.0%
BY OBJECT OF EXPENDITURE					
Personnel Costs	983,000	939,400	1,018,200	1,477,400	1,474,100
Operating Expenditures	245,800	246,500	244,700	1,154,900	1,150,200
Capital Outlay	0	10,200	0	40,700	40,700
Total:	1,228,800	1,196,100	1,262,900	2,673,000	2,665,000
Full-Time Positions (FTP)	15.00	15.00	15.00	21.00	21.00

Division Description

The Office of the State Appellate Public Defender was created in 1998 by House Bill 840 during the Fifty-Fourth Idaho Legislature. The intent of the legislation was to create a Capital Crimes Defense Fund to help defray the cost of capital litigation at the trial level for Idaho counties. Additionally, the intent of the legislation was to create the Office of the State Appellate Public Defender to reduce the cost of legal representation of indigent defendants upon the appeal of their criminal convictions, particularly for first-degree murder, which had been an expensive and unpredictable burden on the counties. In addition, there had developed the perception that because of the different degree with which some counties could respond financially to this demand, it was possible that justice could be pursued unevenly throughout the state. The services of the State Appellate Public Defender are only available to those counties who participate in the Capital Crimes Defense Fund. The State Appellate Public Defender provides services in the following areas:

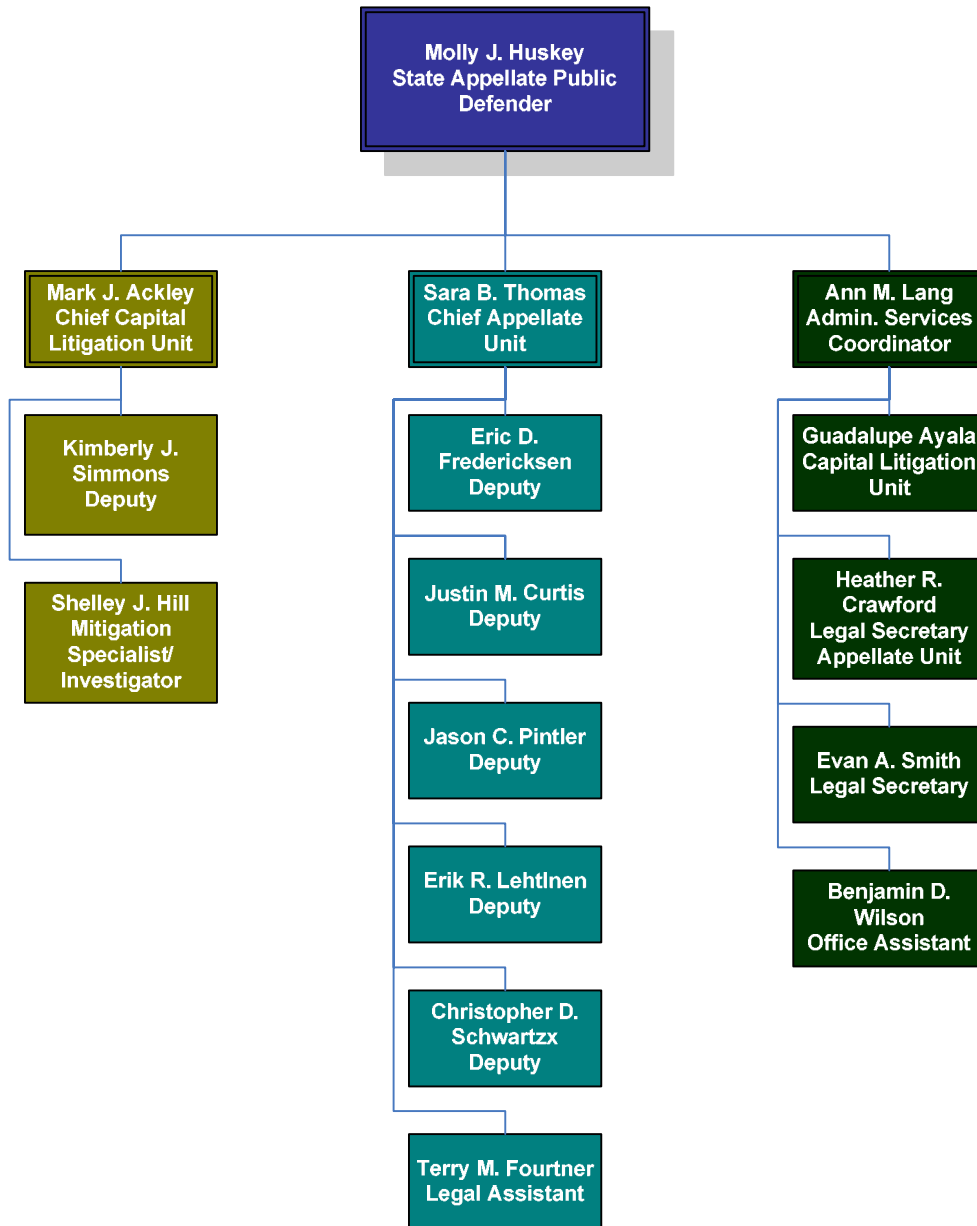
- 1) Appeals from convictions in district court.
- 2) Appeals from the district court in post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act.
- 3) Appeals from the district court in habeas corpus proceedings.
- 4) Post-conviction relief proceedings in capital cases.

State Appellate Public Defender

Agency Profile

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Organizational Chart



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Sources of Funds

	<u>FY 2004 Actual</u>	<u>Percent of Total</u>	<u>FY 2005 Estimate</u>	<u>FY 2006 Request</u>
1. General Fund (0001-00)	13,078,100	100%	16,115,100	18,352,600

The General Fund consists of, "moneys received into the treasury and not specially appropriated to any other fund." The fund sources are individual income tax, corporate income tax, sales tax, cigarette tax, beer tax, wine tax, liquor surcharge, kilowatt hour tax, mine license tax, Treasurer's interest on investments of certain idle state funds, court fees and fines, insurance premium tax, sale of alcoholic beverage licenses, unclaimed property, articles of incorporation and uniform commercial code filing fees, estate and transfer tax, and other miscellaneous sources from various agency receipts.

Selected Measures

	<u>FY 2003</u>	<u>FY 2004</u>
1. Appellate Unit		
Total number of cases	535	628
Average Caseload	70	103
Highest Caseload	74	122
Lowest Caseload	58	90
National Standard Caseload	20 - 25	20 - 25
Percentage Above National Standards	280%	412%
2. Capital Litigation Unit		
Total number of cases	6	6
Average Caseload	3	3
Percentage Above National Standards	100%	100%

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Comparative Summary

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2005 Original Appropriation	15.00	1,262,900	1,262,900	15.00	1,262,900	1,262,900
HB 805 One-time 1% Salary Increase	0.00	8,700	8,700	0.00	8,700	8,700
1. Mitigation & Investigation	0.00	833,700	833,700	0.00	833,700	833,700
Governor's Rescission	0.00	0	0	0.00	(2,000)	(2,000)
FY 2005 Total Appropriation	15.00	2,105,300	2,105,300	15.00	2,103,300	2,103,300
Removal of One-Time Expenditures	0.00	(8,700)	(8,700)	0.00	(7,400)	(7,400)
Base Adjustments	0.00	0	0	0.00	700	700
FY 2006 Base	15.00	2,096,600	2,096,600	15.00	2,096,600	2,096,600
Benefit Costs	0.00	14,400	14,400	0.00	11,100	11,100
Inflationary Adjustments	0.00	3,900	3,900	0.00	0	0
Nonstandard Adjustments	0.00	700	700	0.00	(100)	(100)
Change in Employee Compensation	0.00	9,300	9,300	0.00	9,300	9,300
27th Payroll	0.00	35,400	35,400	0.00	35,400	35,400
FY 2006 Program Maintenance	15.00	2,160,300	2,160,300	15.00	2,152,300	2,152,300
1. Appellate Unit	3.00	267,800	267,800	3.00	267,800	267,800
2. Capital Litigation Unit	3.00	244,900	244,900	3.00	244,900	244,900
FY 2006 Total	21.00	2,673,000	2,673,000	21.00	2,665,000	2,665,000
Change from Original Appropriation	6.00	1,410,100	1,410,100	6.00	1,402,100	1,402,100
% Change from Original Appropriation		111.7%	111.7%		111.0%	111.0%

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
FY 2005 Original Appropriation	15.00	1,262,900	0	0	1,262,900
HB 805 One-time 1% Salary Increase					
Agency Request	0.00	8,700	0	0	8,700
Governor's Recommendation	0.00	8,700	0	0	8,700
1. Mitigation & Investigation					
Additional funding is requested for mitigation and investigation in the post conviction phase of current capital cases. It will cover such expenses as expert consultation, expert affidavits, and expert travel and testimony. It will also cover medical and psychological testing for clients, as well as, travel expenses for staff to attend hearings, interview witnesses, and consult with experts. The population that is served by this request are the inmates who are incarcerated under a sentence of death and to whom the State Appellate Public Defender has been appointed by the court to represent.					
Agency Request	0.00	833,700	0	0	833,700
Governor's Recommendation	0.00	833,700	0	0	833,700
Governor's Rescission					
Agency Request	0.00	0	0	0	0
<i>The Governor recommends removal of funds not needed to implement HB 805. In addition, the Governor recommends removal of risk management funding in excess of needs calculated by the Department of Administration.</i>					
Governor's Recommendation	0.00	(2,000)	0	0	(2,000)
FY 2005 Total Appropriation					
Agency Request	15.00	2,105,300	0	0	2,105,300
Governor's Recommendation	15.00	2,103,300	0	0	2,103,300
Removal of One-Time Expenditures					
Remove funding provided for one-time items.					
Agency Request	0.00	(8,700)	0	0	(8,700)
Governor's Recommendation	0.00	(7,400)	0	0	(7,400)
Base Adjustments					
Agency Request	0.00	0	0	0	0
<i>Restore risk management rescission to the base.</i>					
Governor's Recommendation	0.00	700	0	0	700
FY 2006 Base					
Agency Request	15.00	2,096,600	0	0	2,096,600
Governor's Recommendation	15.00	2,096,600	0	0	2,096,600
Benefit Costs					
Includes the employer-paid portion of estimated changes in employee benefit costs. The two biggest factors are health insurance rates and retirement rates. Health insurance is projected to increase by 9.7% or \$632 per position. Retirement rates are scheduled to increase by 5.9% from 10.39% to 11% of salary for regular employees and by 5.7% from 10.73% to 11.34% of salary for police and firefighters. Other benefit changes include a reduction in unemployment insurance rates, a reduction in Division of Human Resources rates for classified employees, and an increase in workers compensation rates.					
Agency Request	0.00	14,400	0	0	14,400
<i>The Governor does not recommend increases related to changes in the Public Employee's Retirement System.</i>					
Governor's Recommendation	0.00	11,100	0	0	11,100

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
Inflationary Adjustments					
Includes a general inflationary increase of 1.9% in operating expenditures.					
Agency Request	0.00	3,900	0	0	3,900
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0

Nonstandard Adjustments					
The Statewide Cost Allocation Plan assesses state agencies for their actual use of Attorney General, State Controller and State Treasurer services. Also included are changes in property and casualty insurance premiums and the cost of office space leased to state agencies by the Department of Administration. Risk management fees are reduced by \$100, and the cost of leased office space is increased by \$800.					
Agency Request	0.00	700	0	0	700
<i>The Governor does not recommend additional funding to offset an office space rent increase.</i>					
Governor's Recommendation	0.00	(100)	0	0	(100)

Change in Employee Compensation					
Reflects the cost of a 1% salary increase for permanent and group positions.					
Agency Request	0.00	9,300	0	0	9,300
<i>The Governor recommends a compensation increase of 1% to be distributed based on merit. No adjustment to the pay line is recommended.</i>					
Governor's Recommendation	0.00	9,300	0	0	9,300

27th Payroll					
Reflects the cost of one additional payroll in fiscal year 2006. This happens every eleven or twelve years because there are 364 days in 26 payperiods but a year has 365.242 days.					
Agency Request	0.00	35,400	0	0	35,400
Governor's Recommendation	0.00	35,400	0	0	35,400

FY 2006 Program Maintenance					
Agency Request	15.00	2,160,300	0	0	2,160,300
Governor's Recommendation	15.00	2,152,300	0	0	2,152,300

1. Appellate Unit

National standards set the appellate attorney caseload at twenty-five cases per year or twenty-two workload units per year. The appellate unit staff attorneys carry about sixty cases each. By either measure, the attorneys carry more than twice the national standard recommendation. Funding is requested to add three full-time attorneys. Of the amount requested, \$187,300 is for personnel costs, \$53,900 for operating expenses, and \$26,600 for capital outlay. [\$236,700 Ongoing and \$31,100 One-time]

Agency Request	3.00	267,800	0	0	267,800
Governor's Recommendation	3.00	267,800	0	0	267,800

2. Capital Litigation Unit

The State Appellate Public Defender is requesting three full-time staff to work in the Capital Litigation Unit due to rising caseload demands. The national standard for caseload in death penalty cases is three clients at any given time. In Idaho, that figure is closer to eight. Of the amount requested, \$212,800 is for personnel costs, \$18,000 for operating expenses, and \$14,100 for capital outlay. Personnel costs include \$70,000 for one senior attorney, \$47,500 for one staff attorney, \$44,000 for one investigator, and \$51,300 for associated benefit costs. [\$223,300 Ongoing and \$21,600 One-time]

Agency Request	3.00	244,900	0	0	244,900
Governor's Recommendation	3.00	244,900	0	0	244,900

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
FY 2006 Total					
Agency Request	21.00	2,673,000	0	0	2,673,000
<i>Governor's Recommendation</i>	<i>21.00</i>	<i>2,665,000</i>	<i>0</i>	<i>0</i>	<i>2,665,000</i>
Agency Request					
Change from Original App	6.00	1,410,100	0	0	1,410,100
% Change from Original App	40.0%	111.7%			111.7%
<i>Governor's Recommendation</i>					
<i>Change from Original App</i>	<i>6.00</i>	<i>1,402,100</i>	<i>0</i>	<i>0</i>	<i>1,402,100</i>
<i>% Change from Original App</i>	<i>40.0%</i>	<i>111.0%</i>			<i>111.0%</i>